

**Manual of Policies and Procedures**  
**COMMUNITY CARE LICENSING DIVISION**

**TEMPORARY MANAGEMENT of  
ADULT COMMUNITY CARE FACILITIES  
and RESIDENTIAL CARE FACILITIES  
FOR THE ELDERLY**

**Title 22  
Division 6  
Chapter 10**



**STATE OF CALIFORNIA  
HEALTH AND HUMAN SERVICES AGENCY  
DEPARTMENT OF SOCIAL SERVICES**

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**TEMPORARY MANAGEMENT of ADULT COMMUNITY CARE FACILITIES  
and RESIDENTIAL CARE FACILITIES FOR THE ELDERLY**

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This Users' Manual is issued as an operational tool.

This Manual contains:

- a) Regulations adopted by the Department of Social Services (DSS) for the governance of its agents, licensees, and/or beneficiaries
- b) Regulations adopted by other State Departments affecting DSS programs
- c) Statutes from appropriate Codes which govern DSS programs
- d) Court decisions; and
- e) Operational standards by which DSS staff will evaluate performance within DSS programs.

Regulations of DSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print. Please note that both other departments' regulations and statutes are mandatory, not optional.

In addition, please note that revised language in this manual letter and subsequent community care licensing manual letters will be identified by a vertical line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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## **CHAPTER 10 TEMPORARY MANAGEMENT of ADULT COMMUNITY CARE FACILITIES and RESIDENTIAL CARE FACILITIES FOR THE ELDERLY**

### **Article 1. GENERAL REQUIREMENTS AND DEFINITIONS**

#### **89600 GENERAL**

**89600**

- (a) In addition to Chapters 1, 2, 6, 6.1 and 11 for adult residential community care facilities and Chapter 8 for Residential Care Facilities for the Elderly, except where specifically exempted, adult residential community care facilities and Residential Care Facilities for the Elderly shall be governed by the provisions of this chapter.
- (1) This chapter shall not apply to an adult residential community care facility or Residential Care Facility for the Elderly that serves six or fewer persons and is also the principal residence of the licensee.
- (b) To protect the health and safety of residents of adult residential community care facilities and Residential Care Facilities for the Elderly and to minimize the effects of transfer trauma that accompany the abrupt transfer of residents, the Department may appoint a temporary manager over the facility in any of the following circumstances:
- (1) The Department has determined that it is necessary to temporarily suspend the license of the adult residential community care facility pursuant to Sections 1550 and 1550.5 of the Health and Safety Code and the immediate relocation of the residents is not feasible based on transfer trauma, lack of alternate placements, or other emergency considerations for the health and safety of the residents.
- (2) The Department has determined that it is necessary to temporarily suspend the license of the adult residential community care facility pursuant to Sections 1550 and 1550.5 of the Health and Safety Code and the licensee is unwilling or unable to comply with the requirements of Section 1556 of the Health and Safety Code for the safe and orderly relocation of residents when ordered to do so by the Department.
- (3) The Department has determined that it is necessary to temporarily suspend the license of the Residential Care Facility for the Elderly pursuant to Section 1569.50 of the Health and Safety Code and the immediate relocation of the residents is not feasible based on transfer trauma, lack of alternate placements, or other emergency considerations for the health and safety of the residents.

<b>89600</b>	<b>GENERAL (Continued)</b>	<b>89600</b>
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- (4) The Department has determined that it is necessary to temporarily suspend or revoke the license of the Residential Care Facility for the Elderly pursuant to Section 1569.50 of the Health and Safety Code, and the licensee is unwilling or unable to comply with the requirements of Section 1569.525 of the Health and Safety Code for the safe and orderly relocation of residents.
- (5) The Department has deemed the license of the Residential Care Facility for the Elderly forfeited by operation of law pursuant to Section 1569.19 of the Health and Safety Code when the licensee sells or otherwise transfers the facility, when the licensee surrenders his or her license, when the licensee abandons the facility, or when there is a change in use of the facility, and the licensee is unwilling or unable to comply with the requirements of Section 1569.682 of the Health and Safety Code for the safe and orderly relocation of residents.
- (c) A temporary manager shall assume the operation of the facility in order to bring it into compliance with the law, facilitate a transfer of ownership to a new licensee, or ensure the orderly transfer of residents should the facility be required to close pursuant to the applicable Health and Safety Code section 1546.1(a)(2) or 1569.481(a)(2).

NOTE: Authority Cited: Sections 1530, 1546.1, 1569.30 and 1569.481, Health and Safety Code. Reference: Sections 1546.1, 1550, 1550.5, 1556, 1569.19, 1569.481, 1569.50, 1569.525 and 1569.682, Health and Safety Code.

<b>89601</b>	<b>DEFINITIONS</b>	<b>89601</b>
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For the purposes of this chapter, the following definitions shall apply:

- (a) (Reserved)
- (b) (Reserved)
- (c) (1) "Capital Improvement" means an expenditure to improve a fixed asset.
- (d) (Reserved)
- (e) (1) "Entity" means a corporation, limited liability company, partnership, limited partnership, sole proprietor, or county.



89601	DEFINITIONS (Continued)	89601
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(f) through (o) (Reserved)

(p) (1) "Provisional License" means the temporary license issued to a temporary manager.

(q) through (s) (Reserved)

(t) (1) "Temporary Manager" for adult residential community care facilities and Residential Care Facilities for the Elderly means the person, corporation, or other entity appointed temporarily by the Department as a substitute facility licensee or administrator with authority to hire, terminate, reassign staff, obligate facility funds, alter facility procedures, and manage the facility to correct deficiencies identified in the facility's operation. The temporary manager has the final authority to direct the care and supervision activities of any person associated with the facility, including superseding the authority of the licensee and the administrator pursuant to applicable Health and Safety Code section 1546.1(b) or 1569.481(b).

(u) through (z) (Reserved)

NOTE: Authority Cited: Sections 1530, 1546.1, 1569.30 and 1569.481, Health and Safety Code. Reference: Sections 1546.1, 1550, 1550.5, 1556, 1569.481, 1569.50, 1569.525 and 1569.682, Health and Safety Code.

89602	DESCRIPTION OF FORMS	89602
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The following forms are incorporated by reference.

(a) LIC 200TM (06/18) - Temporary Manager Application for Provisional License.

(b) LIC 215TM (06/18) - Temporary Manager Candidate List Applicant Information.

(c) LIC 216TM (06/18) - Temporary Manager Appointment Applicant Information.

NOTE: Authority Cited: Sections 1530, 1546.1, 1569.30 and 1569.481, Health and Safety Code. Reference: Sections 1546.1, 1550, 1550.5, 1556, 1569.481, 1569.50, 1569.525 and 1569.682, Health and Safety Code.

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### **Article 3. APPLICATION PROCEDURES**

<b>89632</b>	<b>TEMPORARY MANAGER CANDIDATE LIST</b>	<b>89632</b>
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- (a) The Department shall maintain a temporary manager candidate list that contains approved applicants who have demonstrated that they meet the qualifications to be appointed as a temporary manager as set forth in Section 89667.
- (1) An applicant who wishes to be a temporary manager candidate and placed on the temporary manager candidate list shall submit to the Department a completed and signed LIC 215TM, Temporary Manager Candidate List Applicant Information form that supports the temporary manager minimum qualification requirements set forth in Section 89667.
- (2) The Department shall notify the applicant whether the applicant has been approved for placement on the temporary manager candidate list within 60 days of receipt of a complete application via mail or electronic transmission and shall include the date of approval, or the Department may request further documentation to support the application. If the Department does not place an applicant on the list, the Department shall notify the applicant of the reasons the applicant is not qualified for placement on the list.
- (3) Placement on the temporary manager candidate list does not guarantee appointment as a temporary manager.
- (4) Placement on the list is effective for three years from the date of approval. The Department shall send a renewal notice by mail or electronic transmission, no less than 90 days prior to the expiration date of the placement. Prior to the expiration date of the placement, if the candidate does not confirm interest in remaining on the list and verify that all previously provided information is still valid and current, the candidate shall be removed from the list.
- (5) Individuals and entities on the temporary manager candidate list shall update the Department to keep information provided in the application valid and current.

NOTE: Authority Cited: Sections 1530, 1546.1, 1569.30 and 1569.481, Health and Safety Code. Reference: Sections 1546.1 and 1569.481, Health and Safety Code.

**89633      TEMPORARY MANAGER APPOINTMENT****89633**

- (a) Once the Department has determined a need to appoint a temporary manager pursuant to Section 89600, the Department shall issue a notice to all temporary manager candidates on the list. The notice shall include the name of the facility, its location, the current occupancy of the facility, the estimated duration of the appointment and the deadline for reply.
- (b) The temporary manager candidates that receive the notice as described in Section 89633(a) and are interested in being appointed as a temporary manager, shall reply on a completed and signed LIC 216TM, Temporary Manager Appointment Applicant Information form and agree to the following:
  - (1) The temporary manager candidate is available to commit to the estimated duration of the appointment and acknowledges that the appointment shall be effective on the date of approval and shall continue for a period not to exceed 60 days from that date unless otherwise extended in accordance with Health and Safety Code section 1546.1(h)(2) or 1569.481(h)(2) at the discretion of the Department;
  - (2) The temporary manager candidate is able to provide the number of hours that he or she is available to manage the facility on a weekly basis;
  - (3) The temporary manager candidate meets all qualifications for appointment as a temporary manager at the identified facility, as required by Section 89667;
  - (4) The temporary manager candidate does not have a financial ownership interest in the facility or its licensee nor has an immediate family member who has an interest in the facility or its licensee pursuant to the applicable Health and Safety Code section 1546.1(i)(3) or 1569.481(i)(3);
  - (5) The temporary manager candidate does not currently serve, nor has served within the past two years, as a member of the staff of the facility pursuant to applicable Health and Safety Code section 1546.1(i)(4) or 1569.481(i)(4);
  - (6) The temporary manager candidate will continue operation in order to bring the facility into compliance with the law;
  - (7) The temporary manager candidate will provide to the Department the candidate's desired compensation if appointed.

<b>89633</b>	<b>TEMPORARY MANAGER APPOINTMENT</b> (Continued)	<b>89633</b>
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- (c) The Department may request a curriculum vitae (CV) or resume and a copy of all current certifications and licenses from the temporary manager candidates who applied for the appointment.
- (d) The Department shall select one candidate from the list of qualified candidates that replied with the information required in Section 89633(b) and notify the temporary manager candidate via mail or electronic transmission when a candidate has been selected. The Department shall also notify candidates who are not selected.
  - (1) The selected temporary manager candidate shall submit to the Department a completed and signed LIC 200TM, Temporary Manager Application for Provisional License form for a provisional license to operate the facility in accordance with Health and Safety Code section 1546.1(d)(1) or 1546.481(d)(1), and, if approved, the Department shall issue such provisional license to operate, to the selected temporary manager candidate.
  - (2) The temporary manager's appointment shall be on an independent contractor basis.

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Health and Safety Code section 1546.1 provides in pertinent part:

- (d) (1) Upon appointment, the temporary manager shall complete its application for a license to operate a community care facility and take all necessary steps and make best efforts to eliminate any substantial threat to the health and safety to clients or complete the transfer of clients to alternative placements pursuant to Section 1556. [...]

Health and Safety Code section 1569.481 provides in pertinent part:

- (d) (1) Upon appointment, the temporary manager shall complete its application for a license to operate a residential care facility for the elderly and take all necessary steps and make best efforts to eliminate any substantial threat to the health and safety to residents or complete the transfer of residents to alternative placements pursuant to Section 1569.525 or 1569.682. [...]

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<b>89633</b>	<b>TEMPORARY MANAGER APPOINTMENT</b> (Continued)	<b>89633</b>
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- (e) The Department shall set forth, in a written contract with the selected temporary manager, the terms and conditions, budget, and responsibilities of the temporary management of the facility.
  
- (f) The effective date of the temporary manager appointment is the date of approval as provided on the provisional license. The temporary manager appointment begins on the effective date and shall continue for a period not to exceed 60 days unless otherwise extended.
  
- (g) The appointment of a temporary manager may be terminated earlier by any of the events listed in Health and Safety Code section 1546.1(e) or 1569.481(e).

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Health and Safety Code section 1546.1 provides in pertinent part:

- (e)    (1)    The appointment of a temporary manager shall be immediately effective and shall continue for a period not to exceed 60 days unless otherwise extended in accordance with paragraph (2) of subdivision (h) at the discretion of the department or otherwise terminated earlier by any of the following events:
  - (A)    The temporary manager notifies the department, and the department verifies, that the facility meets state and, if applicable, federal standards for operation, and will be able to continue to maintain compliance with those standards after the termination of the appointment of the temporary manager.
  
  - (B)    The department approves a new temporary manager.
  
  - (C)    A new operator is licensed.
  
  - (D)    The department closes the facility.

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**HANDBOOK CONTINUES**

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- (E) A hearing or court order ends the temporary manager appointment, including the appointment of a receiver under Section 1546.2.
- (F) The appointment is terminated by the department or the temporary manager.

Health and Safety Code section 1569.481 provides in pertinent part:

- (e) (1) The appointment of a temporary manager shall be immediately effective and shall continue for a period not to exceed 60 days unless otherwise extended in accordance with paragraph (2) of subdivision (h) at the discretion of the department or as permitted by paragraph (2) of subdivision (d) of Section 1569.525, or unless otherwise terminated earlier by any of the following events:
  - (A) The temporary manager notifies the department, and the department verifies, that the facility meets state and, if applicable, federal standards for operation, and will be able to continue to maintain compliance with those standards after the termination of the appointment of the temporary manager.
  - (B) The department approves a new temporary manager.
  - (C) A new operator is licensed.
  - (D) The department closes the facility.
  - (E) A hearing or court order ends the temporary manager appointment, including the appointment of a receiver under Section 1569.482.
  - (F) The appointment is terminated by the department or the temporary manager.

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<b>89633</b>	<b>TEMPORARY MANAGER APPOINTMENT</b> (Continued)	<b>89633</b>
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- (h) The Department may rescind the appointment of a temporary manager and appoint a new temporary manager at any time the Department determines the temporary manager is not adhering to the conditions of the appointment.

NOTE: Authority Cited: Sections 1530, 1546.1, 1569.30 and 1569.481, Health and Safety Code. Reference: Sections 1546.1, 1546.2, 1569.481 and 1569.482, Health and Safety Code.

<b>89637</b>	<b>FACILITY IMPROVEMENT PLAN</b>	<b>89637</b>
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- (a) The Department shall work with the temporary manager to develop and maintain a facility improvement plan in order to bring the facility into compliance with the law, to facilitate a transfer of ownership to a new licensee, or to ensure the orderly transfer of residents should the facility be required to close. The facility improvement plan shall include, but is not limited to, the following:
- (1) A comprehensive list of noncompliance items that shall be organized by the urgency of the health and safety needs of the residents.
  - (2) The necessary action for each listed noncompliance item and the timeframe by which the noncompliance item will be brought into compliance.
- (b) The temporary manager may identify noncompliance items and propose compliance actions to add to the facility improvement plan as discovered.
- (c) The Department shall review the progress and results of the facility improvement plan on a weekly basis or more often as necessary.

Authority Cited: Sections 1530, 1546.1, 1569.30 and 1569.481, Health and Safety Code. Reference: Sections 1546.1 and 1569.481, Health and Safety Code.



## Article 6. CONTINUING REQUIREMENTS

### 89662 FINANCES

89662

- (a) The Department shall notify the licensee in writing, that pursuant to Health and Safety Code section 1546.1(j)(1) or 1569.481(j)(1), he or she may be responsible for the costs of the temporary manager and any other expenses in connection with the temporary management. Upon agreement between the Department and the licensee, the costs shall be paid directly by the facility while the temporary manager is assigned to that facility pursuant to Health and Safety Code section 1546.1(j)(1) or 1569.481(j)(1).
- (b) Failure of the licensee to pay the costs described in subsection (a) may result in the payment of the costs by the Department and may result in subsequent required reimbursement to the Department by the licensee pursuant to Health and Safety Code section 1546.1(j)(1) or 1569.481(j)(1).
  - (1) With permission of the Department, the temporary manager may use his or her own funds for any direct costs as described in Health and Safety code section 1546.1(j)(2) or 1569.481(j)(2). These expenditures will be reimbursed by the Department pursuant to the written contract described in Section 89633(d). If the temporary manager uses his or her own funds, he or she shall provide the Department with the following:
    - (A) Receipts or invoices of costs for which the temporary manager seeks to have reimbursed by the Department.
    - (B) Documentary evidence that each expense is reasonably necessary for the operation of the facility.
- (c) If the licensee does not pay the costs described in subsection (a), the Department may take legal action to recoup the costs from the licensee in accordance with Health and Safety Code section 1546.1 or 1569.481.
- (d) The budget for the contract required in Section 89633(d) shall not exceed the sum of forty-nine thousand, nine hundred ninety-nine dollars (\$49,999) unless approved by the Department.
  - (1) Any projected expenditures in the budget must only be approved if the expenditures are necessary for the standard operation of the facility or necessary to support the facility improvement plan as required in Section 89637.

<b>89662</b>	<b>FINANCES</b> (Continued)	<b>89662</b>
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- (e) Any single contract for outside services in excess of five thousand dollars (\$5,000) shall be approved by the Department pursuant to the applicable Health and Safety Code section 1546.1(k)(1)(C) or 1569.481(k)(1)(C).
  
- (f) Any single expenditure by the temporary manager in excess of five thousand dollars (\$5,000) shall be approved by the Department pursuant to the applicable Health and Safety Code section 1546.1(k)(2) or 1569.481(k)(2).
  
- (g) The temporary manager shall not make capital improvements to the facility totaling in excess of five thousand dollars (\$5,000) without the approval of the Department pursuant to the applicable Health and Safety Code section 1546.1(k)(3) or 1569.481(k)(3).
  
- (h) The responsibilities of the temporary manager may include, but are not limited, to the requirements established in Health and Safety Code section 1546.1(k) or 1569.481(k).

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Health and Safety Code section 1546.1 provides in pertinent part:

- (k)     (1)     The responsibilities of the temporary manager may include, but are not limited to, the following:
  - (A)     Paying wages to staff. The temporary manager shall have the full power to hire, direct, manage, and discharge employees of the facility, subject to any contractual rights they may have. The temporary manager shall pay employees at the same rate of compensation, including benefits, that the employees would have received from the licensee or wages necessary to provide adequate staff for the protection of clients and compliance with the law.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

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- (B) Preserving client funds. The temporary manager shall be entitled to, and shall take possession of, all property or assets of clients that are in the possession of the licensee or administrator of the facility. The temporary manager shall preserve all property, assets, and records of clients of which the temporary manager takes possession.
- (C) Contracting for outside services as may be needed for the operation of the facility. Any contract for outside services in excess of five thousand dollars (\$5,000) shall be approved by the director.
- (D) Paying commercial creditors of the facility to the extent required to operate the facility. The temporary manager shall honor all leases, mortgages, and secured transactions affecting the building in which the facility is located and all goods and fixtures in the building, but only to the extent of payments that, in the case of a rental agreement, are for the use of the property during the period of the temporary management, or that, in the case of a purchase agreement, come due during the period of the temporary management.
- (E) Doing all things necessary and proper to maintain and operate the facility in accordance with sound fiscal policies. The temporary manager shall take action as is reasonably necessary to protect or conserve the assets or property of which the temporary manager takes possession and may use those assets or property only in the performance of the powers and duties set out in this section.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

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Health and Safety Code section 1569.481 provides in pertinent part:

- (k) (1) The responsibilities of the temporary manager may include, but are not limited to, the following:
  - (A) Paying wages to staff. The temporary manager shall have the full power to hire, direct, manage, and discharge employees of the facility, subject to any contractual rights they may have. The temporary manager shall pay employees at the same rate of compensation, including benefits, that the employees would have received from the licensee or wages necessary to provide adequate staff for the protection of clients and compliance with the law.
  - (B) Preserving resident funds. The temporary manager shall be entitled to, and shall take possession of, all property or assets of residents that are in the possession of the licensee or administrator of the facility. The temporary manager shall preserve all property, assets, and records of residents of which the temporary manager takes possession.
  - (C) Contracting for outside services as may be needed for the operation of the facility. A contract for outside services in excess of five thousand dollars (\$5,000) shall be approved by the director.
  - (D) Paying commercial creditors of the facility to the extent required to operate the facility. The temporary manager shall honor all leases, mortgages, and secured transactions affecting the building in which the facility is located and all goods and fixtures in the building, but only to the extent of payments that, in the case of a rental agreement, are for the use of the property during the period of the temporary management, or that, in the case of a purchase agreement, come due during the period of the temporary management.

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**HANDBOOK CONTINUES**

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**89662 FINANCES (Continued)**

**89662**

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**HANDBOOK CONTINUES**

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- (E) Performing all acts that are necessary and proper to maintain and operate the facility in accordance with sound fiscal policies. The temporary manager shall take action as is reasonably necessary to protect or conserve the assets or property of which the temporary manager takes possession and may use those assets or property only in the performance of the powers and duties set forth in this section.

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**HANDBOOK ENDS HERE**

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NOTE: Authority Cited: Sections 1530, 1546.1, 1569.30, 1569.48 and 1569.481, Health and Safety Code. Reference: Sections 1546.1 and 1569.481, Health and Safety Code.

**89667 TEMPORARY MANAGER QUALIFICATIONS**

**89667**

- (a) The Department shall determine whether the temporary manager applicant is qualified based on his or her education and experience. An applicant who wishes to be qualified or appointed as a temporary manager shall at a minimum meet the following requirements:
- (1) The individual or entity must be one of the following:
- (A) Either a current certified administrator or licensee of an Adult Residential Facility in accordance with Health and Safety Code, Division 2, Chapter 3, Article 2 or 6 or a Residential Care Facility for the Elderly in accordance with Health and Safety Code, Division 2, Chapter 3.2, Article 2 or 6, or
- (B) The individual or entity shall have a minimum of six months experience as an administrator or licensee of a facility that provides care and supervision to elderly or adult residents.

<b>89667</b>	<b>TEMPORARY MANAGER QUALIFICATIONS (Continued)</b>	<b>89667</b>
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- (2) The individual or entity shall not be the subject of any current or pending civil, criminal or administrative actions by the Department or any other state agency nor have ever been excluded from a Department-licensed facility pursuant to Health and Safety Code section 1558 or 1569.58 or had a license or certification suspended or revoked by an administrative action by the Department or any other state agency pursuant to applicable Health and Safety Code section 1546.1(i)(2) or 1569.481(i)(2).
- (3) The individual or entity currently employs or contracts with, or has the ability to promptly employ or contract with criminally cleared staff who are able to assist the temporary manager in addressing the identified problems with the facility and perform activities required by statute and regulation for the operation of the facility.
- (4) The individual or entity has proof of a line of credit or immediately accessible funds.
- (5) The individual or entity maintains an active email address that will be submitted to the Department.
- (6) The individual shall have attained 21 years of age.
- (7) The individual or entity shall have the ability to maintain and supervise the maintenance of financial and other records necessary to the operation of the facility.
- (8) The individual or entity shall have the ability to direct the work of others.
- (9) The individual or entity shall have the ability to assess and establish the facility's plan of operation and budget.
- (10) The individual or entity shall have the ability to arrange for health-related services.
- (11) The individual or entity shall have knowledge of the requirements for providing care and supervision, including the ability to communicate with the residents that may be served in an adult residential community care facility or Residential Care Facility for the Elderly.

<b>89667</b>	<b>TEMPORARY MANAGER QUALIFICATIONS (Continued)</b>	<b>89667</b>
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- (12) If the temporary manager is an individual, he or she shall have an associate degree or bachelor's degree in fields related to social services, health, and/or business management.

NOTE: Authority Cited: Sections 1530, 1546.1, 1569.30 and 1569.481, Health and Safety Code. Reference: Sections 1546.1 and 1569.481, Health and Safety Code.

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